P.T. 145-92

G. R. S. IX-5]

Previous references.

1891-92
~~192-~~
(L. R.)

File No. 15-3-9

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for August 1892

SUBJECT.

Appeal of Kaffanna of Bogenahalli village, Challakere Taluk, re- the sale of Survey nos. 92 and 94.

To the Deputy Commr., Chitaldrug District.

No. 3685/P.T. 145-92 dated 9-5-1892

Forwarding copy of endorsement issued to Shanbogue Kaffanna of Bogenahalli, Challakere Taluk, declining to interfere with the order passed by the Deputy Commr in regard to the right to claim the confirmation of the sale.

Countermarked

Sl. no. 4

WD 223-GPB—20,000—11-6-90.

Chitaldroog 2nd Comm.
No. 854/803 dated 30"

L. R. 153 — Copd 1892.

The Vernacular records received with the above disclose the following facts:—

On the same date i.e 25th August 1891 the Appellant Kappanna presented two Dharkasts to the amildar of Chellakere stating for separately Survey nos. 92 and 94 that each of these nos contained 150 "palas" trees. On the 26th these dastks were referred to the Sheristadar with Sale notices for the Sale of the numbers in question. The Sheristadar on returning the notices duly served stated that no. 94 contained property over the value of Rs 100 and was beyond his powers of conducting the Sale Accordg, and requested the amildar

On 28th September 1891. The sale notices were published on the 27th & 29th August 91 by the Patel & the Sheristadar respectively

to be present at the sale of both the Nos situated as they were ~~of them, but being also~~ situated in the same village. The Amildar 25.9.91
asked the Sheristar in reply to conduct the sale of No. 92 & promised to be present himself for the sale of the other No. (28.9.91
On 28th Sept'91 Sheristar held the sale of No. 92. No bids were received from the villagers present. The Dharkasdar offered Rs 20 and Rs 5/- was fixed as deposit & the matter reported to the Amildar 28.9.91
The Amildar in reply disapproved of the sale and directed the Sheristar to return the money received from the Dharkasdar.
On 30th Septr:91 the Amildar conducted the sale of No 94. The upset price fixed was Rs 104-5-0. There were no bids for more than this sum. The Dharkasdar offered Rs 105 and in signing the Nazaj patti remarked that at the time of closing the sale he offered only Rs 100 & that he thereafter consented

28-9-91
the amount offered was below the estimated value, Rs. 53"13"6, of the trees on the land

2nd May 1895. The Surveyor reported the facts to the Dy Comm^r and also submitted a ~~letter~~ petition from Tirimagga stating that the number contained a well which used to supply water to his bungalow and that it also contained a "Kattay"

14-11-91 The Dy. Comm^r in reply observed that the No contained a large number of Jaliee trees and required ~~desired~~ it should not in consequence be reserved for a village Jaliee plantation.

4-12-91. The Surveyor ~~in reply~~ reported that the trees on the number were not fit for a plantation. That there was a 'Kattay' in it which would be useful ~~suitable for cultivation~~ when the purchaser cut ~~& remove~~ & removed the Jaliee trees. The Dy Comm^r did not confirm the sale of No: 94 as it contained a large no of Jaliee trees & as the bio gas low.

8-1-92.

The Dy Comm declined 8.1.92
to confirm the sale of the
the number on the reason
of there containing large
numbers of petty lots
& very small prices being
offered.

The Shekhawati reported 4.1.92.
Damodar that the
Dharkhar refused
receive back his purchase
money.

The Amritsar Samachar 29.1.92
a notice of the Shekhawati
for service on the Dharkhar.
for receiving back his purchase
money. Which on being
served on him, elicited
a reply to the effect that he
had petitioned the Dy.
Comm. in the matter
& that he would not
receive back the amount
till that petition was disposed
of & he received an order.

On 23.1.92 The Dharkhar
Kappanna petitions the
Dy Comm in the terms of
his appeal petition to this
office and the Dy Comm

gave

Memo

Petition No: 213 of 1892-93.

Petitioner Shambhoj Kappanna of Bhojanahalli, Challakere Taluk.

On 25th August 1891 the Petitioner applied for —

Sur. No.	Gt. a. g.	Amt.
92	20-3	7-0-0
94	47-15	10-0-0

of the Bhojanna Halli village. Proclamation dated 26th Augt. 91 for the sale of the lands on 28th September were published on 27th & 29th August 91. The Sheristadar under the orders of the Amildar fixed the sale of No. 92 on the date fixed, but there were no bids. The Petitioner offered Rs. 20/- and paid a deposit of Rs 5/- The

Tahildar did not confirm the sale as the amount offered was below the estimated value, viz. Rs: 53 "13" 6, of the trees on the land.

The Tahildar held the sale of no. 94 on 30th September 1891 but there were no bids for the land either. The Petitioner consented to pay the upset price of Rs: 105- fixed. The Deputy Comr. did not Confirm the sale on the ground that the land contained a large no: of Jali trees, while the price offered was low.

On 23d Jany '92 the Petitioner requested the Dy Comr. to confirm the sale in both the cases. The Dy Comr. declined to do so.

The present appeal is against the above order of the Dy Comr. The Petitioner Contends that

(1) the Tahildar promised him that the sale would be confirmed

(2) he thereupon borrowed money at 2% interest

and paid Rs. 125 b. Govt
on account of the price of
No. 94 & of the deposit
in connection with the sale
of No. 92, and advanced
Rs. 100/ b. Rpts.

(3) and that he has been
put b loss b the extent
of Rs. 125/.

The points in dispute
are -

I Whether the Huildoor pro-
mised the petitioner that
the sale of the lands would
be confirmed.

II. Whether the sale of
the lands has been
rightly cancelled.

As regards the 1st point
the Huildoor has denied
that he never made any
such promise.

Point II - Svc. Nos 92
& 94. Contain 482 & 510
Jali trees respectively. The
Dy Conr. reports that he
considered it advisable
b secure the lands for
a Jali Plantation. The
average Jali footage amount

× Contract.

for No: 94 is stated to be Rs: 11 or one rupee more than the assessment fixed on the land.

Proceedings
of
Municipal Council
30/1/12
VL

One Lim Naga petitioned the Municipal Council that the grant of No: 94 to the petitioner Kaffaman might be made subject to his (Lim Nagas) right to take water from the well of the 'Kattè' on the land for the cultivation of his land No: 97. This petition has been filed with the Proceedings.

VL
30/7/92

It following consent may be given ——

The Govt decline to interfere with the order passed by the Dist Court — Petitioner has no right to claim the confirmation of the sale." ——

24/8/92

It being unnecessary
I think VL

10

(General Serial No. 32.) (2)

1899.

No. 213

Name of Petitioner. Ramanna

Village. Rajanahalli

Taluk. Chitaldrug

District. Chitaldrug

Date of Arzi. 19.4.98

Date of Receipt. 20.4.98

Date of Disposal.

No. of Enclosures. One

(1). Stamp Correct.
(2) Copy of Order for issue
(3) Appeal in time
(4) Rule I cl: (28) of
Hon Hour. Incl.

Call for Proc
Bo.
16/5/98

ABSTRACT.

Petn. rect'd by Commr
Endorsed 16.5.98 Com-
-menting the case of S. No. 92
of 1897 in the said village
be set aside & the sale
Confirmed.

By C. Endorsed 16.5.98
15.4.98 to Petitioner:—

With reference to your
petition of 20.4.98 you
are informed that in case

1841

to your petition entered 1/10
134 Lis pendens
granted the effect
as this are many Jale
trees on S. No. 1 & 2 of said
as the land not pitch
a good price at re-
tion sale any want
of competition, the sale
had been cancelled.

No further order can
be given.

Rs 2 Rupees stamp affixed

Referred 16/1/92

Reg. 213 20-4-92

The Dewan of H. H. the Maharaja of Mysore

Appeal No. 5 of 1892-93.

The humble petition of Santhoge Hanuma of Boyana halli, Challakere Taluk most respectfully showeth.

1 That the petitioner had put in a darakast to the Taluk Cutcherry for survey Nos: 92 and 94 in Boyana halli

2 That the same were sold by auction in the presence of the Taluk Amildar and Shaikdar in September last

3 That the sales of survey Nos: 92 and 94 were finally determined in favour of the applicant for Rs 20 and Rs 105 respectively.

4 The Amildar promised the party that the sale would be confirmed shortly and that he might make arrangements to bring the lands under cultivation.

5 The petitioner having borrowed Rs 125 on 2 per cent interest deposited the same as required by law - and some two months after the date of sale borrowed an additional sum of Rs 100 on the same interest to be given to cultivators (Salary) for the purpose of

bringing the lands in question under tillage and gave the same accordingly.

Now it was that after 4 months of the said sale, when petitioner had incurred so much loss that he was advised of the cancellation of the sale in the Talukcachery. 6

That the cancellation of the sale of survey No. 9 by the Amildar was improper in as much as he was present personally at the time of sale and did not object to it conclusion being made in his favour and even promised the merit of the confirmation of such sale, the sale being in every respect properly conducted. 7

Last when the sale of survey No. 9 was Cancelled and information there of was given to the petitioner, he immediately petitioned to the Deputy Commissioner about the injustice done to him by such Cancellation but no redressment was received thereon. 8

That the petitioner again personally presented a second petition on the same matter, thereupon an enquirement was given to say that there were no good bids at the auction, and the sale was Cancelled in ~~con~~ consequence. . . . 9

But it would appear from the records of the sale that many villagers were asked to purchase the land for Rs. 100 and they being unwilling to accept the land for the large sum sent up a Mahazar testifying their unwillingness to purchase for Rs. 100. This being so, the petitioner paid Rs. 105. This sum was more than what the 10

R. (3) Revenue 1892 375

No 73.29.

L.R. 15/1-7

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 243

dated 13 April 92 received at the Dewan's Office from Kambegere Kaleshwara, Byrannahalli, Chellakere Taluk, appealing against Dy. Comm^r's order setting the sale of Byrava S. No. 24 in the said village

is forwarded, together with its one enclosures, to the Dy. Comm^r Chitaldrug for submission of his report and a full report of the facts of the case on the points taken in the petition.

By Order,

Draft

19/5

Chief Secretary.

BANGALORE, 28 May 1892

V.

(General Serial No. 30.)

OFFICE OF THE CHIEF SECRETARY
JUL 9
MYSORE

189[illegible]

From The Deputy Commissioner
Chitaldrug District.

To

The Chief Secretary to the ~~Govt~~ Government of Mysore.

Dated 30th June 1892.

Despatched

Received

Enclosures No. 2 in Kannada

General No. 935 and its translation

No. 803.

In reply to Commissioner's No: 20. dated 23rd May 1892.

SUBJECT.

Submitting a Petition of the Patelate of Kyatanahalli Village, Chitaldrug Taluk appealing against the Fair Assessment of the said of Survey No: 92 & 93 in the said Village applied for by him.

References (to be entered only in the Dewan's Office).

To the same No. 81 [illegible] dated 9/7/92

Petn. Bor. Upon 2/7

Read 5/7/92

K Krishna Rao for Revenue Copies 18th June 92 9/7/92

Submitted to Mr. Council with a Recd & Memo. 11 30/7/92

(4)

No 854.
803.

Encl: 2 petitions
and Sketches.

Deputy Commissioner's Office
Cuttack Dated
Camp Kujang the 7th June 1902.

To

The Chief Secretary to the
Government of Orissa

Sir,

With reference to your official Memorandum No 29 dated 20th Idem forwarding for report a petition (here-with enclosed) from one Kaliyamma of Bogamuddy village in the Chikka-kara Taluk, appealing against the order cancelling the sale of Survey Nos 92 and 94 in the said village, I have the honor to submit herewith the entire record connected with the case and to state as follows:-

2.- On 25th August 1899 the petitioner presented to the Collector a duplicate A. G. for Survey No 92 measuring 20-3 assessed at Rs 7 and another duplicate for Survey No 94 measuring 47 acres and 15 Gunties assessed at Rs 10. stating that

that this was not just and fair on each of these lines.

3. - That the authorities were in duty bound, before the Petitioner was arrested, to have given him the right of occupancy of the land in question.

4. - The Petitioner states that the value of the said Standing crop of Rice was over Rs. 10,000, and requires to be informed whether the Petitioner has any remedy by the Rules to recover the said value of this number bundles of rice, that objection being taken by the Petitioner.

5. - The Petitioner in reply begs the Petition to contest the list of No. 92, stating that he would himself contest the said No. 92.

6. - The Petitioner begs the list of No. 92 on 28th September 1901. From the "Survey Party" it would appear that the petitioner present stated that the land not was the land, while the petitioner Kandaswamy officials to be in the land stated the Lingam. The receipt of the Petitioned

report regarding the sale proceed-
-ings held by him, the Amildar
observed that there were no
proper bids offered for the
land, that even the highest bids
of Rs 53-13-0 offered for the land
had not been accepted and he
directed the Shirastar to return
to the petitioner the purchase money
which had been received by him.
7. — The sale of the 94 was
conducted by the Amildar on 30th
September 1891, the highest bid
offered for the land and the fees
on it being Rs 104-5-0. The
villagers said they did not want
it, as they did in the case of
land No 92 sold by the Shirastar
and the petitioner offered Rs 105
as his bid for the land No. 94.
8. — The Amildar in sending the
proceedings of the sale for my
confirmation, stated that the average
realizations from the Jali lands
of the village for the last 5 years
was Rs 26-14-5 and that the

respondent 20 cents for the Jaki trees on the land in question would be as it were Buying that afforestment of the land. The Appellant was therefore asked to report why the land should contain a large number of Jaki trees, and 510 acres not to be state by the petitioner in his Affidavit, & should not be reserved for plantation, as had been done in some instances - The Appellant replied that the land in his Taboot presently contained Jaki trees and that these were a valuable Rating in the land which could be converted into a Commercial if the Jaki trees were cut and removed by the purchaser, and that therefore it was not necessary to reserve the land for Afforestment. The Appellant was therefore informed that the land could not be confirmed as the land contained a very large number of Jaki trees and that no proper bid had been received for the land at the sale.

9. The petitioner then presented a petition to me praying for the confirmation of the said order, whereby the former had been discharged by the Assistant Surveyor and set aside by me. The said proceedings which had been returned to the Court were then sent for and came through again, and an endorsement was given to the petitioner containing all the reasons for the non-confirmation of the order as stated above. The petitioner again presented a petition to me praying that the order I had passed in the matter might be reconsidered as he had borrowed money on heavy interest with the view of defraying the surveyor-general and of making advances to Ryots for cultivating the lands, but he was informed by an endorsement that the matter could not be re-opened -

10. - Against this order he has appealed to Government -

11. - The facts stated above, in my

of the 1st Defendant by the
plaintiff in the petition of dispute
to Documents Exhibit A, B and C
12. - The plaintiff states in that
that the Defendant, promised that
that the land would be confirmed
Liberty and that he might make
arrangements of being the Land
under cultivation, but the Defendant
has stated in his Report No 124
of the 4th Instant, that he never
made such promise and that
there was no necessity for his doing
so. -
13. - In view of the petitioner
stated that he borrowed Rs 125
at 2 per cent interest and repaid
the same as required by law.
that time two months after the
said, he borrowed an additional
sum of Rs 100 at the same rate
of interest to be answered to
cultivation to bring the land in
question under tillage. There is
nothing on record to verify this
statement of the petitioner. But
subjecting what the Defendant

it does to be seen later on that before the sales were duly confirmed in his favour, he was not justified in receiving advances to pay the to cultivate the lands and that the fact of his having received advances is no reason why the sales should be confirmed.-

14.- In para 13 of his petition, the petitioner urges that no re-sale of the lands was ordered by me, but there was, I beg to submit no necessity for a re-sale, as in consideration of the large number of Jali trees existing on the lands, I considered it advisable to reserve them for a Jali plantation. I may add that in reviewing the sale proceedings connected with the lands in question, it seemed to me as if there was a combination among the villagers not to bid for the lands in question against the petitioner. I may also state that the village of Bogavalady is one of the frontier villages, in which not unfrequently

No 92 contains 482 Jali trees, No 94 contains 510 Jali trees.

Land containing valuable Ores,
such as those in question, are taken
up for the sake of the Ores which
are cut and removed to the Assaying
Places in British Columbia where
they are sold at considerable profit.

I have the honor to be
Sir,
Your most obedient servant
Joseph Benjamin Cunningham

5

26.2.92 gave him a detailed
Endorsement expressing
the reasons for the
Cancelment of the sale
and stating that there were
no grounds for reversing
the orders already
passed on the subject.

On this the appellant
appeals to this Court.

S. Rly

Land could have fetched is even apparent from the fact that the Deputy Commissioner did not Order for a second Sale of the said Rs. 94

11 Therefore the petitioner humbly submits that both the Amildar and the Deputy Commissioner have wronged him by cancelling the sales of Survey Nos: 92 and 94 for no justifiable reason and that too after the lapse of a long period and thereby have caused to the applicant loss in shape of interest for Rs 225 for 6 months Rs 25 together with Rs 100 which he advanced to a certain pyol-on ta kavy i.e: on the express purpose of cultivating these lands in question.

Hence he prays that your excellency will be kind enough to set aside the cancellation of the sales made by the Amildar and the Deputy commissioner as aforesaid and confirm the same in favour of your excellencies humble petitioner.

ಮಲ್ಲಪ್ಪ ಅಂಗಡಿ

12. If your honor will kindly send for the records of the Amildar & the Dy Commissioner & kindly go through them, your honor will come to know that they have not done what is proper and right.

Dt 19th April '92
Bangalore

ಮಲ್ಲಪ್ಪ ಅಂಗಡಿ

Draft for appl. (16)

25.

(5)

Sl. No. 4

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
26th August 1892.

Endorsement granted to ~~Shanbhog~~ Kappanna of Boganahalli, Chellakere Taluk,
in reply to his Petition Registered No. 213 dated 19th April 1892.

L.R. 153-91-92 4

Petitioner is informed that the Govt decline to interfere with the order issued by the Dy. Commr. He (Petr) has no right to claim the confirmation of the sale.

2. The englo: is returned.

4/9/92

3685 dated 9-9-92
Pet Ff. 149-92

"By Order,"

draft

Chief Secretary.

Copy to the Dy. Comr. Chitaldrug Distt, with the ver. papers received with his re 854/803 dy 30th June 92

Encl received with enclosure 9/8/92

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.